UNITED
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S/1996/137
26 February 1996
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LETTER DATED 26 FEBRUARY 1996 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the following documents from the Ministry of Foreign Affairs of the Republic of Cuba be circulated as documents of the Security Council:

- Note dated 25 February 1996 from the Ministry of Foreign Affairs of Cuba (annex I);

- Note dated 26 February 1996 from the Ministry of Foreign Affairs of Cuba (annex II);

- Chronology of violations of Cuban airspace, 1994-1996 (annex III).

(Signed) Pedro NÚÑEZ MOSQUERA
Ambassador
Chargé d'affaires a.i.

96-04425 (E) 260296 260296 270296

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Annex I

[Original: English]

Note dated 25 February 1996 from the Ministry of Foreign Affairs of Cuba

In a statement made yesterday in Washington, which was released by foreign news agencies, the United States Secretary of State, Mr. Warren Christopher, described as "totally unjustified" the shooting down of two United States "civilian" aircraft by Cuban planes. According to his statement, this was a "blatant violation of international law and the norms of a civilized country".

Further on, Mr. Christopher said that according to the evidence available "they concluded that the shooting down took place in international waters", not as the Cuban Government claims, that it took place in its jurisdictional waters. In this respect, the United States diplomat disregarded the statement made by Havana pointing out that the Cuban response "was neither plausible nor acceptable".

Finally, in an intimidating attitude, the United States Secretary of State said that there would be a prompt and appropriate response by President William Clinton to the actions carried out by our country, stating that "we would not limit ourselves to multilateral actions, but we are going to consider actions that the United States could take unilaterally".

The least that could be said about the statement by the person in charge of the United States foreign policy is that he is lying in a cynical way and in a language that recalls the one used for more than 36 years by senior officials of different administrations of that neighbouring country.

A first argument we should mention is the fact that, on that very Saturday, the United States authorities requested authorization to enter our jurisdictional waters north of Havana, to jointly participate in the search-and-rescue operations in the area where the two pirate aircraft were downed, which is evidence that it was an act of legitimate defence of our airspace and not a "totally unjustified act", as described by the United States diplomat.

At the same time, this corroborates our assertion that the shooting down of the aircraft occurred in Cuban airspace and within our jurisdictional waters, not in international waters as pointed out by Mr. Christopher.

This is not the core of the matter, but the fact that hundreds of times before there have been such violations, including pirate incursions over our own territory and over Havana City, which in one way or another, after ignoring multiple warnings, had to result in this incident. The fact that they did not try to justify themselves by saying that such incident took place in international waters is nothing but colossal insolence. No country which respects itself could tolerate what was being done against Cuba through ever more shameful and humiliating actions.

The United States would have never permitted such actions, not even once.

Congressman Charles Rangel (Democrat), a courageous man of integrity, said yesterday on the CNN television network that "no United States group has the right to enter Cuban airspace and drop anti-government propaganda, in violation of United States law and Cuban law".

The hasty statement in Washington by the Secretary of State differs from what was stated on that same day by an unidentified United States official who, on the occasion of a meeting held in the White House by advisors to President Clinton, said that one of the objectives was "to evaluate altogether all the evidence we have" as to whether the aircraft had ventured into Cuban airspace when they were downed, giving signs of insecurity as to whether or not there was a violation.

But if there were still any doubts on the part of the United States, we have unequivocal evidence, which goes from illustrated maps showing radar detection on a minute-by-minute basis and taped conversations, to objects belonging to the transgressors of our sovereignty that were found in Cuban waters to the north of the capital, where they were downed last Saturday, 24 February.

Therefore, the official accusation that we have violated international law has no foundation. It is rather the United States which should face that charge, for having repeatedly tolerated that aircraft, departing from its territory under United States registration and with flight authorization, would nevertheless change their route and enter shamelessly into our air and maritime space, only to return afterwards and face no action whatsoever by the judicial authorities of that country.

In addition, when it comes to known violations and provocations, spokesmen in the United States have acknowledged that the promoters of this incident had been warned sufficiently in advance that any flight heading for Cuba trespassing the 24th parallel could bring about problems and that the United States Government would bear no responsibility for that.

An example of this is the fact that the president of the Association of Cuban-American Pilots, Mr. Jorge Dorrbecker, stated yesterday that authorities from the Federal Aviation Agency (FAA) of the United States had given new warnings regarding Cuba some three weeks ago, as reported by Notimex news agency in Miami. Mr. Dorrbecker added that "all pilots were warned that if they trespassed the 24th parallel without a flight programme, the Cuban Government would not be responsible for their personal safety". The alert was further expanded - as stated in the Ministry's note issued on Sunday, 25 February - by the Cuban civil aviation authorities, which before the pirate incursions warned the transgressors not to trespass the above-mentioned parallel, as was recognized, among others, by a United States official who was quoted that day by The Miami Herald.

Now, as Warren Christopher has stated, the Government of his country is considering the possibility of taking measures against Cuba while promoting other measures of a multilateral character through the United Nations Security

Council. The United States is free to make the decisions and take the measures it considers relevant, but it should be aware that those same measures would also inevitably have negative consequences for them too. Our country has given proverbial evidence of serenity and firmness in the face of a great number of plans and misdeeds emanating from United States territory for more than three and a half decades. Cuba is and will always be responsible for its actions and it has unmistakably proven that it knows how to defend its sovereignty and is not afraid of any threats which, through the measures adopted under present circumstances, could come, among others, from the Security Council.

Finally, so that there is no room to doubt that Mr. Warren Christopher is lying on purpose, we have with us a pilot from that group of violators which has carried out so many actions against our country. Until a few hours ago he was with them. This pilot knows many things. There is irrefutable evidence showing that this group is far from carrying out humanitarian actions, as ridiculously stated by Mr. Christopher, and that it is a terrorist mob which has made up repugnant and bloody plans against our people. We are ready to discuss these matters with Mr. Christopher, in the Security Council or elsewhere.

Enough of the opportunism, the cowardice and the attempts to involve Cuba with the electoral policy-making of the United States.

We are ready for that struggle. That is known to all.

Annex II

[Original: English]

Note dated 26 February 1996 from the Ministry of Foreign Affairs of Cuba

On 24 February 1996, between 1521 and 1528 hours, two Cessna pirate aircraft which had taken off from the Opa Locka airport, in the State of Florida, while in the act of violating once more the airspace over Cuban territorial waters, at a distance of between 5 and 8 miles to the north of Baracoa beach, to the west of the City of Havana, were brought down by aircraft of our Air Force.

Before that, between 1015 and 1127 hours, three aircraft of the same make transgressed our airspace and territorial waters. On that occasion, a plane of our Air Force moved to the spot and, with its presence, managed to halt the continuation of the violation, as a result of which the pirate aircraft headed north.

At 1321 hours, one of those responsible for those incursions, while heading again for Cuba, was warned by the Air Traffic Control Centre in Havana that the airspace areas to the north of our capital had been activated and was advised of the risk they were facing should they decide to transgress, to which they responded it was clear for them that they were not allowed to fly over the zone but that they would do so anyway.

At 1515 hours, as is known from the internal communications kept by one of the pilots, they were heading to Havana.

While two of the planes transgressed Cuban airspace, the head of the Group, on board a third plane, remained beyond the 12-mile limit.

This provocation took place on the day in which our people were observing the 101st anniversary of the beginning of the War of Independence of 1895, while the people of the capital were preparing to celebrate Carnival.

Such violations have taken place quite a number of times, in spite of the reiterated warnings that they could not be tolerated any longer and that patience has its limits. As may be recalled, on 13 July 1995, and more recently, on 9 and 13 January 1996, there were similar incursions into our airspace by counter-revolutionary groups of Cuban origin based on United States territory, during which they launched subversive pamphlets. The Cuban Government gave timely notice about the seriousness of those actions and the consequences that might derive from those ever more insolent acts, particularly the most recent ones.

The public note issued by the newspaper Trabajadores warned at the very end that: "To the transgressors, we can say that Cuba has all necessary means to ensure the integrity of its national territory as well as to intercept unauthorized flights over its airspace, so the violators should be equally ready to face the consequences ...". Likewise, on several occasions, our authorities

have advised the United States Government about the acts of violation that were being committed, as stated in the most recent diplomatic note conveyed on these matters, No. 45, of 16 January 1996. With the aim of exhausting all dissuasive resources that could prevent these sorts of actions, the Air Authorities of the Republic of Cuba, in addition, officially addressed the executives of the United States Federal Aviation Administration (FAA) on two occasions to advise them about the dangers posed by such unauthorized flights over our airspace.

In this context, we should also mention the repeated and particularly aggressive threats and actions launched by the gangs of Cuban origin based on Miami in recent times, including the aforementioned violation of the airspace and territorial waters of our country as well as the creation of arsenals, the acquisition of ships, the introduction of weapons and explosives and the dispatch of terrorist commands to carry out acts of violence in different regions of Cuba.

Some of the most relevant elements of this part of the story have not been obtained through secret means; they have been narrated by their perpetrators at press conferences in Miami; they have been published by the press in that part of Florida and have been discussed, even with alarm, by senior officials of the Government of the United States. The latter, as recalled in their statements, have disapproved of the attempts and actions of the terrorist bands which have their headquarters in Miami, and even on several occasions have publicly advised them that, should those misdeeds against Cuba continue, the United States authorities could not interfere in the measures to be adopted by the Cuban Government to ensure the sovereignty of the nation it represents.

Therefore, after exhausting the warnings and having adopted an extremely cautious attitude towards repeated statements and actions of an aggressive character by terrorist groups of Cuban origin which have their hideouts in Florida, the Cuban Government decided to interrupt the continuation of the flights of aircraft transgressing the sovereignty of Cuba and jeopardizing the lives of Cuban citizens.

The responsibility for the measures that the Government of Cuba has been forced to adopt to preserve its sacred and undeniable duty of defending national sovereignty falls on those who, on repeated occasions, failed to heed the warnings and persisted in their irresponsible adventures.

The shooting down of two pirate aircraft should be a lesson to be learned by those who encourage and carry out such actions, which tend to increase tensions between Cuba and the United States.

The Cuban Revolution will continue to adopt all necessary measures to defend its sovereignty and preserve the security of our people.

The Cuban Government accepted the request of the United States Government to trespass our territorial waters with units of the Coast Guard Service and, together with our troops, carry out the rescue operations in the area where both aircraft were put down.

Our Government regrets the human losses that may have ensued from such irresponsible and criminal aggressions against our country.

Annex III

[Original: English]

Chronology of violations of Cuban airspace, 1994-1996

Violation: 15 May 1994. Five aircraft coming from Florida violated national airspace in the region between Cárdenas, Matanzas Province, and El Mariel, Havana City, in a space between 15 and 80 miles along the shore keeping a distance from the coast of between 1.5 and 5.5 miles.

Reported officially to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Violation: 17 May 1994. Two Cessna 337 airplanes registration Nos. N-58BB and N-10815, coming from Florida, violated national airspace of the western region between Cárdenas, Matanzas Province, and El Mariel, Havana Province, between 15 and 80 miles along the shore, keeping a distance off the coast of between 1.5 and 5.5 miles.

Reported officially to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Violation: 25 May 1994. Five aircraft coming from Florida violated national airspace in the western region between Cárdenas, Matanzas Province, and El Mariel, Havana Province, between 15 and 80 miles along the shore, keeping a distance from the coast of between 1.5 and 5.5 miles.

Reported officially to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Violation: 29 May 1994. Five aircraft coming from Florida violated national airspace in the western region between Cárdenas, Matanzas Province, and El Mariel, Havana Province, between 10 and 80 miles along the shore, keeping a distance from the coast of between 1.5 and 5.5 miles.

Reported officially to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Violation: On 10 July 1994, at 1000 hours, a violation of national airspace by an aircraft with United States registration No. N-2506 was detected coming from the United States 20 kilometres to the north of Guanabo, Havana Province, which violated the territorial space of 18 km at a depth of 3 km, leaving national airspace to the north of Havana City at 1030 hours.

Violation: On 10 November 1994, at 1313 hours, two C-337 airplanes which took off at 1240 hours from the Guantanamo Naval Base violated Cuban airspace to the north of the western region, flying over the Punta Maisit lighthouse. In this flight the planes released 200 leaflets against the Cuban constitutional Government.

Reported officially to the United States Interests Section by diplomatic note No. 1443 of 15 November 1994.

Violation: 4 April 1995. Between 1014 and 1057 local time a light C-337 aircraft violated national airspace to the north of the western region between Santa Fe and Guanabo, Havana City, at a longitude of 5 miles, between 5 and 10 miles off the Cuban coast.

Reported officially to the United States Interests Section by diplomatic note No. 694 of 25 May 1995.

Violation: On 13 July 1995, four aircraft coming from the United States with registration Nos. N-1081S, N-2506, N-548SS and N-312MX entered Cuban territorial waters to the north of Havana City using from the air a radio in a MU-PI prohibited zone and flew over Havana City at a low altitude in a dangerous and neglectful manner.

Reported to the United States Interests Section by diplomatic note No. 1100 of 21 August 1995, in which it is enclosed a copy of the letter sent by the Cuban Aeronautical Institute (IACC) to the Federal Aviation Administration (FAA).

Violation: On 9 and 13 January 1996 the Cuban authorities detected two light airplanes coming from Opa Locka airport in Florida which flew over the territory of the province of Havana and released subversive propaganda, encouraging actions against the Cuban constitutional order.

Officially reported to the United States Interests Section by diplomatic note No. 45 of 15 January 1996.

As a result of the repeated violations of our airspace, the Cuban authorities have been forced to close temporarily the international Girón corridor to civil aircraft and adopt restrictions on the entrance to and exit from the Varadero international airport.

On several occasions, the flights over the Cuban territory have taken place in dangerous zones to carry out military training, with the risk of provoking accidents of unpredictable consequences. These actions have activated the Cuban authorities and have been duly reported according to international regulations. This is illustrated by the following example:

Date	Reserved area	Type of aircraft	Registration
18 July 1992	MUD-42, MUD-52	C-337	N-2432 S
	MUD-42, MUD-52	C-310	N-6737 T
	MUD-42, MUD-52	PA-23	N-769 J
28 December 1993	MUD-9, MUD-13	Two airplanes	..
30 December 1993	MUD-9	Two airplanes	N-700 KG
			N-5334
2 January 1994	MUD-9	C-337	N-415 D

This information was reported to the United States Interests Section by diplomatic note No. 908 of 21 July 1994.

Havana, 25 February 1996.

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7 March 1996

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LETTER DATED 26 FEBRUARY 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Corrigendum

Page 7, annex III

(a) First item, line 3

For between 15 and 80 miles read between 5 and 80 miles

(b) Second item, line 4

For between 15 and 80 miles read between 5 and 80 miles

(c) Third item, line 3

For between 15 and 80 miles read between 5 and 80 miles

(d) Fourth item, line 3

For between 10 and 80 miles read between 5 and 80 miles

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27 February 1996

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LETTER DATED 26 FEBRUARY 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF THE SUDAN TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

With reference to the letter of the Permanent Representative of Ethiopia to the United Nations dated 12 February 1996 (see S/1996/106), I have the honour to transmit the statement of the spokesman of the Ministry of Foreign Affairs on 14 February 1996 in response to the Ethiopian statement.

I would be grateful if this letter and its annex were circulated as a document of the Security Council.

(Signed) Hamid Ali ELTINAY
Chargé d'affaires a.i.

96-04522 (E) 270296 270296
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ORIGINAL: ARABIC

Annex

Statement of 14 February 1996 by the spokesman for the Ministry of Foreign Affairs of the Sudan

Commenting on the press statement issued by the Ethiopian Ministry of Foreign Affairs on 12 February 1996, which relates to the earnest and sincere efforts the Sudan is making to find the three Egyptian suspects in the attempted assassination of the President of Egypt, a spokesman for the Ministry of Foreign Affairs stated as follows:

1. Since Ethiopia assumed the tasks entrusted to it in the current campaign against the Sudan, it has been the practice of its regime to avail itself of every opportunity to demonstrate its ability to blur and distort the facts, and this constantly reveals the true purposes and objectives of a campaign based on falsehoods and having a predetermined outcome.

2. The Ethiopian regime can falsify the will of its people, but it can never, ever, delude the international community with a wisdom that it does not have and commit a crime and constantly attempt to ascribe it to others.

3. Since the Addis Ababa incident, Ethiopia's conduct has not ceased to be characterized by immaturity and irresponsibility, by haste in issuing judgements and by a premeditated desire to incriminate the Sudan at whatever cost to itself, regardless of how weak its grounds may be or how attenuated its logic. Its actions have included the following:

(a) On 11 September 1995, Ethiopia took its campaign against the Sudan to the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution, thereby exploiting its OAU chairmanship in order to issue judgements in the Sudan's absence and violating OAU principles and rules and the provisions of the Declaration of the Organization's leaders on conflict resolution in Africa.

(b) On 14 September 1995, even before the Sudan was informed of the decision taken by the Central Organ of the OAU Mechanism, Ethiopia addressed the Security Council on the issue. This shows its contrived and malicious intentions.

(c) In its statement of 19 December 1995, the Central Organ urged the Sudan to take the necessary measures to look for, locate and extradite the suspects and to address the issue within the OAU framework. Ethiopia, however, with its customary haste, approached the Security Council only two days after the 19 December meeting, that is to say on 21 December, when its Deputy Minister for Foreign Affairs addressed the Council before the ink on the Central Organ's statement on the same issue had even dried.

4. The Ethiopian Ministry of Foreign Affairs has issued this press statement while the Sudan is making immense efforts to comply with the 19 December 1995 decision of the Central Organ urging it to take the necessary measures to find the suspects and at a time that coincides with the visit of the OAU delegation to Khartoum. This is another indication of its frenzied endeavour to incriminate the Sudan at whatever cost and of its lack of logic and sound judgement.

5. The procedures of the law are perhaps unknown to the Addis Ababa regime, particularly since it accords them no weight at home or abroad. The Sudan, however, decidedly does not find it acceptable that the Addis Ababa regime should persist in its naked plot against the Sudan and its people.

6. The serious and rigorous measures taken by the Sudan to find the suspects - measures whose credibility has alarmed the Addis Ababa regime - basically derive from the Sudan's firm commitment to the principles of justice and its equally firm commitment to OAU decisions on issues such as this, and they are in no way a concession to the strong desire of the Addis Ababa regime to incriminate the Sudan.

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28 February 1996

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Draft resolution

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (S/25704) and Article 15 of the Statute of the International Tribunal for Rwanda (S/RES/955 (1994), Annex),

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

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LETTER DATED 27 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF NIGERIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the text of a letter from Chief Tom Ikimi, Minister for Foreign Affairs of the Federal Republic of Nigeria, concerning the Bakassi Peninsula.

(Signed) Ibrahim A. GAMBARI
Ambassador
Permanent Representative

96-04570 (E) 270296 280296

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Annex

Letter dated 26 February 1996 from the Minister for Foreign Affairs of Nigeria addressed to the President of the Security Council

My attention has been drawn to the letter dated 22 February 1996 from the Minister for Foreign Affairs of the Republic of Cameroon addressed to the President of the Security Council (S/1996/125) concerning the Bakassi Peninsula. In that letter, the Cameroonian Foreign Minister alleged, inter alia, that Nigerian troops have been launching artillery attacks on Cameroonian positions and advancing further into Cameroonian territory since 3 February 1996.

I have the honour, on instructions from the Government of the Federal Republic of Nigeria, to inform the Council that the allegations of the Cameroonian authorities are unfounded. Furthermore, these allegations seem intended to mislead the esteemed Council in particular, and the international community in general, on the true state of affairs prevailing in the Bakassi Peninsula.

It is not the purpose here to use the opportunity of this letter to provide the genesis of the present controversy over the Bakassi Peninsula for, as the Council is well aware, this matter is already before the International Court of Justice. However, I should like to take this opportunity to make the following two points: firstly, that the Bakassi Peninsula has historically been Nigerian territory, and well over 95 per cent of the inhabitants of the Peninsula are Nigerians; and secondly, that it is the Cameroonians who have always instigated attacks on the Nigerian population in the Bakassi, the latest of which occurred on 3 February 1996. On that occasion, some elements of the Cameroon military forces shelled the Nigerian positions in the Bakassi Peninsula continuously for four hours before the Nigerian soldiers responded in self-defence. Though the Cameroonian attacks ceased thereafter and normalcy returned, the incident resulted in considerable destruction of lives and property. Some of the casualties were civilians.

In spite of Cameroon's persistent hostilities in the Bakassi, the Government of Nigeria continues to believe that the best option for resolving the dispute with Cameroon is through dialogue and peaceful negotiations. This is consistent with the policy of good-neighbourliness and peaceful coexistence to which Nigeria has always adhered. Hence, on Friday, 16 February 1996, I met with the Foreign Minister of Cameroon in Kara, Togo, under the auspices of President Eyadema and we both signed a communiqué on behalf of our two Governments in which we agreed to stop hostilities in the Bakassi.

I wish to confirm that since the historic meeting in Kara, the Nigerian Government troops have made no attacks whatsoever on the Cameroonian positions in the Bakassi, as claimed by the Cameroonian Foreign Minister in the letter under reference and no Nigerian soldier occupies any land that is not Nigeria's. On the contrary, it is the Nigerian population in the Bakassi that have continued to be the victims of intimidation, harassment and attacks by

Cameroonian soldiers. Cameroonian helicopter gunships have been invading the area and firing at Nigerian positions.

What has become obvious is that the Cameroonians have embarked on a course of propaganda against Nigeria in order to bring undue pressure to bear on our Government. It would appear also that their tactics seem aimed at forcing a decision on the Peninsula question in their favour, regardless of ongoing peaceful negotiations and processes at the International Court of Justice. These events have cast serious doubts on the sincerity of the Cameroonian authorities and called into question their faith in such negotiations as have been ongoing in Kara and in other forums.

The Government of the Federal Republic of Nigeria takes this opportunity to urge the Security Council and the international community to prevail on the Cameroonians to maintain peace in the Bakassi and do nothing to further jeopardize stability in the area.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(Signed) Chief Tom IKIMI
Honourable Minister for
Foreign Affairs

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LETTER DATED 27 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the attached note dated 27 February 1996 from the Ministry of Foreign Affairs of the Republic of Cuba be circulated as a document of the Security Council.

(Signed) Bruno RODRIGUEZ PARRILLA
Ambassador
Permanent Representative of Cuba
to the United Nations

96-04594 (E) 270296 270296 280296

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Annex

Note dated 27 February 1996 from the Ministry of Foreign Affairs of Cuba

The President of the United States held a press conference yesterday to discuss further the incident which took place last Saturday, when two pirate aircraft flying from a base in Florida again entered Cuban airspace and territorial waters and were shot down.

William Clinton first reaffirmed the main arguments, to which he did not add anything new, used by the United States to condemn the incident, and secondly, he announced the measures to be applied against our country.

As a first measure, the President pledged to reach agreement with the United States Congress, with which he has had disagreements in this regard, on the Helms-Burton bill, which is an attempt to toughen the blockade against Cuba even further.

He requested support from the United Nations Security Council in condemning and imposing sanctions against Cuba, a position which is contradictory to the fact that the United Nations General Assembly has condemned the United States economic blockade against Cuba four times.

Another of the measures was to suspend travel by Cuban-Americans to the island, an action which first affects the many Cuban families living in the United States, mainly in Florida, and secondly hurts those living in our country.

The purpose of requesting funds to increase the transmission capabilities of the misnamed "Radio Martí" is clearly contradictory to the position of some sectors in the United States that are advocating a cutback in the costs entailed by this type of interference.

Aside from the contradictory and absurd character of these measures, the biggest injustice is that they are being used against a country which is the victim of a blockade, terrorist actions and repeated and ever more insolent violations of its airspace and territorial waters.

What measures are being taken against the terrorist organizations operating in the United States that plan and carry out armed actions and violations of the airspace of a sovereign nation?

What measures are being taken against the United States authorities, which were warned on more than one occasion, and whose duty it was to prevent these flights from being carried out?

There is no reason at all to impose sanctions on Cuba.

However, the unjust and cruel measures announced by President Clinton are too weak, in the view of the ultra-right representatives of Cuban origin in the United States who, by requesting tighter sanctions, do nothing but aggravate the political climate in the United States in order to block the current President's path towards the 1996 elections.

The extreme right-wing groups in Miami and their gangs, who flout United States laws and have turned that Florida city into a private preserve, use blackmail and terror to spread their ideas. The intolerance of these ultra-right gangsters has become the prevailing mode of behaviour, just as in the worst periods of the medieval Inquisition.

According to a cable from the British news agency Reuters yesterday in Miami, the radio broadcasting stations of that city "continue to be the means of expression of the most intransigent and virulent sectors, which advocate setting fire to agencies that organize trips to Cuba, assassinating President Fidel Castro or rushing into another invasion". Spokesmen of the extreme right-wing groups, while complaining that the United States has tied the hands of the exiles, "have called for preparations for war", according to the news agency.

The cries coming from Florida are compounded by the aggressive statements made yesterday by Secretary of State Warren Christopher in El Salvador. He said that "President Clinton has not included any military action (against Cuba), but he has reserved the possibility of taking that kind of measures against the island".

More threats. More measures against the economy. More measures to tighten the blockade. More laws aimed at using hunger and sickness to force the people to yield. For the information of United States leaders and for the information of the miserable traitors from our country who are trying to collaborate with them, this is a "homeland or death" struggle.

Cuba is neither afraid of nor accepts threats. It has learned a lot about them for more than 35 years and has never trembled when confronted with them, not even when they reached the point of possible nuclear destruction. This position has been precisely delineated in the notes from the Cuban Ministry of Foreign Affairs in recent days and was reaffirmed yesterday by the President of the National Assembly of the People's Power, Ricardo Alarcón de Quesada, at a press conference.

Moreover, the clear and invariable position of our small country has also had, on this occasion, the backing of the most diverse organizations in various regions of the world.

Now, after the incidents, we hear expressions of regret for the loss of human lives, but the painful reality is that, at a time when the pirate air incursions could have been discouraged, prohibited and stopped by those capable of doing so, the repeated warnings were ignored, and some quarters even applauded these irresponsible adventures.

These actions are taking place as we are about to commemorate the thirty-fifth anniversary of the Victory of Playa Girón, and we have taken the full and unyielding decision to face and again crush any similar or greater attacks, if the circumstances so warrant, under the constant premise that we are waging a defensive war which will never end with the aggressors' success.

The fighting and victorious spirit of our people is impervious to any threat.

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LETTER DATED 21 FEBRUARY 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolution 1038 (1996) of 15 January 1996, my report S/1996/83 of 6 February 1996 and your letter S/1996/113 dated 15 February 1996 concerning the United Nations Mission of Observers in Prevlaka (UNMOP).

Following the usual consultations, I wish to inform you of my intention to appoint Colonel Göran Gunnarsson of Sweden as Chief Military Observer of UNMOP. The appointment shall be effective as of the date of the establishment of UNMOP as an independent mission and its duration will be subject to consideration by the Security Council of UNMOP's mandate in accordance with operative paragraph 2 of Security Council resolution 1038 (1996).

I should be grateful if you could bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-04729 (E) 280296 290296

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/143
28 February 1996

ORIGINAL: ENGLISH

LETTER DATED 28 FEBRUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 21 February 1996 (S/1996/142) concerning the appointment of Colonel Göran Gunnarsson of Sweden as Chief Military Observer of the United Nations Mission of Observers in Prevlaka (UNMOP) has been brought to the attention of the members of the Council. They agree with the proposal contained in your letter.

(Signed) Madeleine Korbel ALBRIGHT
President of the Security Council

96-04735 (E) 280296 290296

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/144
28 February 1996
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 28 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the letter from the Ministry of Foreign Affairs of Cuba dated 28 February 1996, which is attached hereto, be circulated as a document of the Security Council.

(Signed) Bruno RODRIGUEZ PARRILLA
Ambassador
Permanent Representative of Cuba

96-04723 (E) 280296 280296 290296

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Annex

Letter from the Ministry of Foreign Affairs of Cuba
dated 28 February 1996

With a rapidity that Cuba has found to be absent on dozens of occasions, especially when it has sustained dozens of attacks and is in addition being subjected to a brutal blockade that has been condemned four times by the General Assembly, the Security Council of the United Nations met early on Tuesday morning to examine the situation created by the shooting down of two pirate aircraft in Cuban airspace. This situation illustrates the price small independent countries have to pay for living in a unipolar world under the hegemony of the United States. Under these circumstances, the Security Council, which already has an extremely poor record of biased actions subordinated to the interests of the major Powers, and whose functioning is governed by the arbitrary practice of the veto, became a branch of the United States Department of State.

Following the demise of the Soviet Union and the socialist bloc, which laid the foundations for undisputed hegemony, the United States, with the constant support of its western allies, began an unrestrained race to transform the Security Council into a kind of supreme universal tribunal for passing judgement on any country that disobeyed its designs and for using troops assembled under the flag of the United Nations as a planet-wide police force.

Cuba, together with a growing number of countries, has been giving timely and energetic warning of this situation, which reveals the urgency of working to democratize the United Nations and finding procedures for making the Security Council more representative and impartial. The arbitrary actions by the Security Council, the open intervention against other countries, the contempt for the principle of national sovereignty, the anti-democratic methods and the usurpation of functions have led not only to distortion of the purposes and activities of the United Nations, but also to an absolute preponderance of the United States in its decision.

In the case of Cuba, to the enormous capacity the United States possesses of bringing pressure to bear has been added the fortuitous circumstance that it is currently occupying the rotating presidency of the Council. The United States has not hesitated to take advantage of both circumstances in order to promote, last Sunday, a hurried round of consultations during which Ambassadors argued, with full justification, that they lacked sufficient information on the incident and needed to consult their respective capitals. Allowing scarcely any time, and above all without providing any new information, the United States, in its capacity as president, convened the Council for a hasty meeting early on Tuesday morning, at which the Minister for Foreign Affairs of Cuba, who at that time was travelling to United Nations Headquarters in New York for the sole purpose of attending the Council meeting, could not even be present.

Statements by a number of Council members urging United States Ambassador Madeleine Albright, presiding over the Council, to wait just a few hours for the Cuban Foreign Minister to arrive were in vain.

On the contrary, the United States Department of State delayed for as long as it could the issuance of the visa to Minister Robaina, who was already in Mexico, ready to travel on to New York. The Council approved the statement at 3.30 a.m. on Tuesday, and the visa was granted to Minister Robaina at 4.30 a.m., one hour later.

The statement reads as follows:

"The Security Council strongly deplores the shooting down by the Cuban air force of two civil aircraft on 24 February 1996, which apparently has resulted in the death of four persons.

"The Security Council recalls that according to international law, as reflected in Article 3 bis of the International Convention on Civil Aviation of 7 December 1944 added by the Montreal Protocol of 10 May 1984, States must refrain from the use of weapons against civil aircraft in flight and must not endanger the lives of persons on board and the safety of aircraft. States are obliged to respect international law and human rights norms in all circumstances.

"The Security Council requests that the International Civil Aviation Organization investigate this incident in its entirety and calls on the Governments concerned to cooperate fully with this investigation. The Council requests that the International Civil Aviation Organization report its findings to the Council as soon as possible. The Council will consider that report and any further information presented to it without delay."

Actually, thanks to the honourable attitude of some important members of the Council, the statement approved is fairly far from what the United States wanted.

The truth is that Cuba expressed regret, even before the Security Council did, over the loss of human lives as a result of the irresponsible violations of our sovereignty, and on that point we are in agreement. But we cannot fail to recall that in Barbados 73 people, including many adolescents, who were not violating laws of any country, died in a brutal act of sabotage, that the criminals are being protected by the United States, and that no regret has been expressed in the Security Council.

A good definition is needed of what a civilian aircraft is. Many crimes have been committed against our country using allegedly civilian aircraft coming from the United States. We may recall that, using "civilian aircraft", counter-revolutionary pilots bombed Havana and various places in Cuba. From "civilian aircraft", for years, they dropped explosives and incendiaries over our sugar plantations and our economic facilities, "civilian aircraft" were used to introduce spies and saboteurs into the country, and, still more serious, acts of biological warfare were conducted.

With regard to the ICAO investigation, although it is part of the United Nations manoeuvre to bring the incident before the Security Council, we are not afraid of it; on the contrary, we accept it and we demand that it should be rapid and impartial, and that it should take into account all the background

information and the gross provocations we are suffering from as a result of the repeated violation of our airspace and the risks they entailed to air traffic and to our country.

We hope that the United States, for its part, will fulfil its obligation to cooperate fully with the investigation in accordance with that same statement by the Security Council.

Nevertheless, there is something that Cuba will not discuss either with the Security Council or with experts of any organization: our right and our duty to protect our country's sovereignty, to preserve our frontiers and to defend at any cost the independence of our homeland.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/145
28 February 1996

ORIGINAL: ENGLISH

LETTER DATED 26 FEBRUARY 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ITALY TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On behalf of the European Union I have the honour to transmit to you herewith a declaration of the Presidency of the European Union on the shooting down of two civilian aircraft by the Cuban authorities, issued today.

I would be grateful if you could have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Lorenzo FERRARIN
Deputy Permanent Representative
Chargé d'affaires a.i.

96-04741 (E) 280296 290296

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Annex

[Original: English and French]

Declaration by the European Union on the shooting down of two civilian aircraft by the Cuban authorities

Rome, 26 February 1996 - The European Union strongly condemns the shooting down of two civilian aircraft on Saturday by the Cuban air force. It regrets the deaths of the four people on board the aircraft and calls for moderation and restraint from all involved in the handling of this incident.

The European Union requests that an immediate investigation be carried out in order to ascertain the details and responsibilities in this case.

Irrespective of the circumstances of the incident, there can be no excuse for not respecting international law and human rights norms.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/146
29 February 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 23 FEBRUARY 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government and with reference to the report of the Secretary-General to the Security Council (S/1996/116), I have the honour to communicate to you, annexed hereto, for the attention of the members of the Security Council the position of the Government of Zaire on the situation in Burundi (see annex).

I should be grateful if you would have this letter and its annex brought to the attention of Council members and issued as a document of the Security Council.

(Signed) LUKABU KHABOUJI N'ZAJI
Chargé d'affaires a.i.

96-04905 (E) 290296 290296 010396

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Annex

Position of the Government of Zaire on the situation in Burundi

1. Zaire sees the situation currently prevailing in Burundi as extremely serious and as capable of taking a dangerous turn at any moment, with unforeseeable consequences for neighbouring countries, particularly Zaire, which has traditionally been a victim of the political instability and the insecurity in Burundi and Rwanda. The situation in Burundi is precarious because it involves:

Confusion;

A weakening of authority and power in the country;

Inter-ethnic hatred which has reached unimaginable levels;

A struggle for power in which all means are acceptable, including physical extermination and ethnic cleansing;

Denial of democracy;

Cleansing of Hutu elements from the city of Bujumbura and its surroundings by a mono-ethnic Tutsi army, whereas the rest of the country is controlled by the Hutu militias, who are increasingly heavily armed in order to defend themselves.

In short, this political situation and the insecurity call for urgent attention on the part of the international community.

2. The report of the Secretary-General to the Security Council on the situation in Burundi reflects the reality on the ground.

3. In the view of the Zairian Government, the international community must, through the Security Council, impose peace and reconciliation in Burundi by all means available, and create the conditions for democratic government in that country, which was one of the first in Africa to organize elections that were recognized as free and democratic.

4. The Government of Zaire is ready to make a contribution to any initiative by the United Nations or the Security Council aimed at restoring peace and national reconciliation.

Kinshasa, 22 February 1996

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister
Minister for Foreign Affairs

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/71
S/1996/147
29 February 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 20 of the preliminary list*
ADMISSION OF NEW MEMBERS TO THE
UNITED NATIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 29 February 1996 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

Upon instructions from our respective Governments, we have the honour to submit to you the text of a joint statement by our Foreign Ministers with regard to Security Council resolution 1022 (1995) (see annex).

We would kindly request your assistance in distributing the present letter and its annex as a document of the General Assembly, under item 20 of the preliminary list, and of the Security Council.

(Signed) Ambassador Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina

(Signed) Ambassador Mario NOBILO
Permanent Representative of Croatia

(Signed) Ambassador Denko MALESKI
Permanent Representative of Macedonia

(Signed) Ambassador Danilo TÜRK
Permanent Representative of Slovenia

* A/51/50.

96-04988 (E) 010396 020396

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ANNEX

Joint statement issued on 29 February 1996 by the Foreign Ministers of Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia

The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia and the Republic of Slovenia, being the successor States to the former Socialist Federal Republic of Yugoslavia (hereinafter the "SFRY"), have agreed to state their common position in respect of the implementation of resolution 1022 (1995) adopted by the United Nations Security Council on 22 November 1995.

1. In its paragraph 5, resolution 1022 (1995) provides for the release of some funds and assets previously frozen or impounded pursuant to Security Council resolutions 757 (1993) and 820 (1993). However, paragraph 6 of resolution 1022 (1995) contains safeguards for the protection of the rights and interests of the successor States to the former SFRY, other than the Federal Republic of Yugoslavia (Serbia and Montenegro) (hereinafter the "FRY"). Namely, it emphasizes that the suspension of termination of obligations pursuant to the resolution is without prejudice to the claims of successor States to the former SFRY with respect to funds and assets. Furthermore, it encourages all States to make provision under their national law for addressing competing claims of States and to take appropriate measures to facilitate the expeditious collection of any funds and assets by the appropriate parties and the resolution of claims related thereto.

In our view this position means that any release of previously frozen or impounded funds and assets by respective States which is contrary to legal interests and claims of the successor States to the former SFRY and is not based on applicable law, including respective general principles of law, imposes the legal obligation of these States to repair any damage to other four successor States inflicted by such a decision. Our Governments reserve the right to obtain the return of their respective portions of the assets and funds and/or indemnity in judicial procedures before municipal and international agencies from the entities whose actions have caused such damage.

2. We would like to stress that our Governments have always supported the need for the successor States to reach an agreement on the distribution of funds and assets and the allocation of liabilities of the former Yugoslavia, as stated in resolution 1022 (1995).

From the outset of the negotiation on succession within the International Conference on the Former Yugoslavia, the delegation of the FRY has been impeding efforts to reach such an agreement. As a consequence thereof, the Arbitration Commission of that Conference has issued 15 Opinions on various legal aspects of the succession of States. However, the impasse in negotiations on succession of States was not overcome by the time the Conference structure was terminated on 31 January 1996. It follows from the Conclusions of the Peace Implementation Conference, held in London on 8 and 9 December 1995, that these negotiations are

to be resumed under the auspices of the Peace Implementation Council. They should result in an agreement on the basis of international law on state succession according to which the assets and liabilities of the former SFRY that ceased to exist should be equitably distributed among all States concerned, as equal successor States.

3. Our Governments would like to point out the fact that as a consequence of the dissolution of the SFRY, the National Bank of Yugoslavia, as the central bank of the former SFRY, has ceased to exist. The institution now named the "National Bank of Yugoslavia" (hereinafter the "NBY"), as a central bank of the new State, the FRY, is not the same legal person as the National Bank of the former SFRY.

In the same sense, the above-mentioned Arbitration Commission expressly stated that the NBY is not entitled to take decisions affecting the property, rights and interests to be divided among the successor States in accordance with the principles of state succession (Opinion No. 15 of 13 August 1993).

Consequently, our Governments do not recognize any mandates from the former National Bank of Yugoslavia and the new institution that bears the same name.

Should the central banks or other institutions of States fail to respect this legal situation, our Governments reserve, as already stated, their right to claim compensation for any damages they may sustain.

The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia and the Republic of Slovenia would highly appreciate the kind assistance of Governments in the implementation of Security Council resolution 1022 (1995) in accordance with the positions expressed in the present statement.

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/51/72
S/1996/148
29 February 1996
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Fifty-first session
Items 71 (g) and 72 (c) of
the preliminary list*
GENERAL AND COMPLETE DISARMAMENT:
REGIONAL DISARMAMENT
REVIEW AND IMPLEMENTATION OF THE
CONCLUDING DOCUMENT OF THE TWELFTH
SPECIAL SESSION OF THE GENERAL
ASSEMBLY: REGIONAL CONFIDENCE-
BUILDING MEASURES

SECURITY COUNCIL
Fifty-first year

Letter dated 28 February 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Ecuador to the United Nations addressed to the Secretary-General

I am writing in reference to the meetings of the Ministers for Foreign Affairs of Ecuador and Peru, Mr. Galo Leoro and Mr. Francisco Tudela, held in Quito on 22 and 23 February 1996.

As a result of these meetings, and as part of the process of normalizing relations between the two countries and finding a solution to any remaining impasses with regard to the Itamaraty Peace Declaration of 17 February 1995, the Foreign Ministers signed the two agreements which I am transmitting herewith.

I should be grateful if you would have this note and its annexes distributed as a document of the General Assembly, under items 71 (g) and 72 (c) of the preliminary list, and of the Security Council.

(Signed) Emilio IZQUIERDO
Chargé d'affaires a.i.

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* A/51/50.

ANNEX I

Agreement

The Governments of Ecuador and Peru have agreed as follows:

1. To submit on this date to the representatives of the Guarantor Countries their respective lists of "remaining impasses", in accordance with paragraph 6 of the Itamaraty Peace Declaration, which shall be kept in confidence.

2. The said lists shall not impose any limitations on the rights of the Parties; they shall be considered definitive and shall not be vetoed by the Parties. The content of the two lists shall be the subject of the talks referred to in the Itamaraty Peace Declaration.

3. Peru shall keep 60 troops stationed at observation post No. 2; this situation shall be verified by the Ecuador-Peru Military Observer Mission (MOMEP) and officially communicated to the representatives of the Guarantor Countries.

4. Once this official communication and the demobilization report from MOMEP have been received, in accordance with the Itamaraty Peace Declaration, the representatives of the Guarantor Countries shall proceed to submit the lists to the Foreign Ministers of the Parties or to their representatives in the city of Brasilia.

5. At the same time, the representatives of the Guarantor Countries declare that:

(a) Once MOMEP has verified that 60 men remain at observation post No. 2 and that the demobilization of that post has been carried out, the Guarantors shall proceed immediately to submit to the Parties the lists of the "impasses"; and

(b) The MOMEP report shall contain two parts. The first shall deal with observation post No. 2, and the second with the situation in the rest of the areas. For this second part, and if situations exist in which demobilization has not been completed, the parties shall continue working to resolve these situations.

Quito, 23 February 1996

For the Republic of Ecuador:
(Signed) Galo LEORO F.

For the Republic of Peru:
(Signed) Francisco TUDELA

Argentine Republic:
(Signed) Juan José URANGA

Federative Republic of Brazil:
(Signed) Ivan CANNABRAVA

Republic of Chile:
(Signed) Fabio Vío UGARTE

United States of America:
(Signed) Luigi EINAUDI

ANNEX II

Agreement

The Governments of Ecuador and Peru have agreed as follows:

1. To form a working group composed of officials from the defence sector of the two countries and of a diplomatic official who will serve as a liaison.

2. The said group shall be responsible for designing a bilateral mechanism to build confidence between Ecuador and Peru, which will help to make military procurement more transparent and to strengthen the climate of security and stability between the two countries.

3. The working group shall meet in Quito within the next 60 days to determine its scope and programme of work.

Quito, 23 February 1996

For the Republic of Ecuador:
(Signed) Galo LEORO F.

For the Republic of Peru:
(Signed) Francisco TUDELA

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/149
29 February 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, in which the Council decided to adjust the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) and to extend it for a final period until 8 March 1996. The report covers the main developments in Rwanda since my report of 30 January 1996 (A/50/868-S/1996/61) and outlines possible options regarding the United Nations role after 8 March 1996.

II. POLITICAL DEVELOPMENTS

2. Since my last report, relative calm and stability have continued to prevail throughout Rwanda, with the exception of areas bordering Zaire. In those areas the situation is tense as a result of an increase in the level of insurgent activities by elements of the former Rwandese Government Forces (RGF). The important progress achieved by Rwanda since the end of the civil war and genocide in July 1994 is apparent from the following statistics: agricultural production has reached 82 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that need to be addressed with the support of the international community. These include the return and resettlement of 1.7 million refugees, progress towards national reconciliation, the revival of the national judicial process, improvement of prison conditions, effective measures to curb destabilization activities by the former RGF and the equitable disbursement of aid. The prospect of the UNAMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which

three members of the International Tribunal were assaulted by a Rwanda Patriotic Army (RPA) guard unit.

4. During the past two months, there has been a marked increase in insurgent actions carried out by former RGF elements, in particular in the north-western prefecture of Gisenyi. The most important was the sabotage on the night of 2 February 1996 of the electricity power line and water intake to the local brewery in Gisenyi. According to the Government of Rwanda, a large number of infiltrators have been sent into Rwanda to coordinate insurgent activities, as a result of which patrolling by the RPA has increased in the belt adjacent to the border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of Tanzania, General Amadou Toumani Touré and Mr. Julius Nyerere, facilitators of the Cairo summit of Heads of State of the Great Lakes region in November 1995 (see S/1995/1001), visited Rwanda and other countries in the region to monitor steps being taken in pursuance of the recommendations adopted at that meeting. These visits have contributed to an improvement in Rwanda's relations with Zaire and the United Republic of Tanzania. According to the Vice-President of Rwanda, Major-General Paul Kagame, the recent exchanges of visits between Zaire and Rwanda have promoted the normalization of relations. The handover by Zaire on 13 February of military equipment belonging to Rwanda and removed by the former RGF is seen as a step forward in the improvement of bilateral relations, as recommended at the Cairo summit.

6. One of the factors that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for the adoption of special procedures to deal with the cases of those suspected of crimes related to the genocide, no trials have yet taken place. The Minister of Justice has recently declared that the first trials will start in April. Meanwhile, the number of detainees has continued to rise, reaching the figure of 65,515 at the end of January. Despite serious overcrowding, conditions in prisons have slightly improved through the construction of new detention centres (see sects. III and VI).

7. On 19 February 1996, the International Criminal Tribunal for Rwanda announced the indictment of two persons, currently in the custody of the Zambian authorities, on charges of genocide and crimes against humanity. Warrants of arrest were sent to the Zambian authorities with a request to hold the accused until such time as detention facilities were available in Arusha. Temporary arrangements are now being made for the detention of persons awaiting trial pending the construction of permanent detention facilities. Following the termination of the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues remain to be resolved. In paragraph 7 of its resolution 1029 (1995), the Security Council requested me to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal

equipment, as elements of UNAMIR withdrew, for use in Rwanda. In a letter dated 13 February 1996, the President of the Council also asked me to exert flexibility in the disposition of UNAMIR equipment (S/1996/103). Accordingly, I will shortly submit recommendations to the General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust that, in the meantime, there will be no obstacles to the transfer of equipment needed in other peace-keeping operations.

9. As mentioned in my last progress report, I dispatched a team of experts to Kigali to discuss with government officials other issues of common concern to the United Nations and the Government of Rwanda, such as liability for corporate taxes by United Nations contractors operating in support of UNAMIR. The United Nations insisted that United Nations contractors and their expatriate personnel should be exempt from host country taxation on the grounds that they have been engaged solely to provide logistic support services, distribution of rations to the various components of the Mission and air and land transportation in support of UNAMIR activities. In the course of the discussions, the United Nations delegation received assurances that the Government would not insist on imposing taxes with respect to UNAMIR contractors. For its part, the United Nations agreed that social security taxes for locally recruited employees of contractors were payable to the Government of Rwanda, in accordance with national legislation. The United Nations also indicated its willingness to pay, as appropriate, charges for communication services used by UNAMIR and other United Nations agencies in Rwanda, since these were charges for public utility services, in accordance with the provisions of the Convention on the Privileges and Immunities of the United Nations.

III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation systematically presents information regarding reported human rights violations to the competent ministries. The Ministry of Defence, which is responsible for the National Gendarmerie as well as for the RPA, has established formal liaison channels with HRFOR at the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. In seeking to redress violations of the human rights of detainees and to improve conditions of detention in accordance with international human rights standards, HRFOR coordinates its work with that of the International Committee of the Red Cross (ICRC). HRFOR plans to give high priority, as the judicial system becomes operational, to promoting a reduction in the numbers of those detained without charge or trial.

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (UNHCR) has expressed its concern that the presence of human rights field officers in the receiving prefectures and communes should be maintained and strengthened so that HRFOR can continue to provide information on the state of readiness in communes that may receive returnees and assist in their resettlement and reintegration.

13. Following the appointment of a new Chief of HRFOR in October 1995, the High Commissioner for Human Rights has reviewed the priorities of the operation for 1996. The conclusions have been shared with the Government of Rwanda and with those Governments which have provided voluntary contributions to the Trust Fund for HRFOR. The Government of Rwanda has made clear its wish to have the presence of HRFOR maintained after the mandate of UNAMIR expires. I believe that HRFOR must continue to constitute an important element of the United Nations presence in Rwanda beyond 8 March 1996.

14. However, the High Commissioner has faced great difficulties in securing sufficient voluntary contributions to fund HRFOR. In mid-November 1995, he drew these difficulties, and their adverse implications for the management of the operation, to the attention of the General Assembly. In its resolution 50/58 L of 22 December 1995, the General Assembly recognized the valuable contribution that the human rights officers have made and requested me to take appropriate steps to ensure adequate financial and human resources and logistical support for HRFOR.

15. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. He has so far received pledges of some $2.5 million, available to fund HRFOR beyond its current financial allotment covering the period to 31 March 1996. However, the High Commissioner is committed to reimbursing a $3 million loan that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are estimated at approximately $7 million, based on a staffing of 120, of whom 80 would be United Nations Volunteers. Additional funding to enable HRFOR to meet its administrative, logistical, communications and security needs will also be required following the withdrawal of UNAMIR.

16. The High Commissioner has asked me to draw the attention of the Security Council and the General Assembly to the fact that, unless sufficient voluntary funds can be secured in the very near future, he will not be able to maintain a field operation with human rights officers deployed throughout the prefectures of Rwanda and will have to close down HRFOR. I share his view that it would be most regrettable if this closure has to occur before a major return of refugees has taken place, the Rwandan justice system is functioning adequately and national institutions are better able to promote and protect human rights.

IV. MILITARY AND SECURITY ASPECTS

17. In accordance with the provisions of the current mandate, the reduction of the UNAMIR force level to 1,200 formed troops and 200 military observers and headquarters staff was achieved by early February. Some adjustment had to be made to the original projections of reduction of personnel as a result of the decision taken by Canada to withdraw its contingent with effect from 2 February 1996. The removal of the force logistics support unit at this late stage has placed some strain on the Mission, with the result that the functions of that unit have had to be contracted out or terminated.

18. As stated in my last progress report, two logistic elements have been deployed at Nyundo, near Gisenyi, and Shagasha, near Cyangugu, in order to allow UNAMIR to assist UNHCR in the refugee repatriation process. All other formed troops are deployed in the Kigali area, although some elements have been made available to ensure security at the communications site on Mount Karongi and for the protection of members of the International Criminal Tribunal working at Kibuye, in western Rwanda. The troops stationed in Kigali contribute to the security of the Tribunal, provide humanitarian assistance, protect United Nations property and assist in rehabilitation and the repair of infrastructure. Military observers are deployed in five sectors, with their regional headquarters at Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map).

19. UNAMIR has continued to assist the Government of Rwanda in facilitating the safe and voluntary return of refugees to their home communes. When the Burundi authorities closed the camp of Ntamba in the first week of February, UNAMIR troops and military observers, working in support of UNHCR and other agencies, provided assistance to resettle the returnees. Tasks performed by UNAMIR have included the construction and improvement of transit camps, transportation on behalf of United Nations agencies and other partners, and engineering work, including road and bridge repair. UNAMIR assisted the RPA in transporting a number of weapons systems and major pieces of equipment belonging to Rwanda, which were returned by Zaire on 13 February. Military observers have continued to patrol and monitor the situation. However, the reduction in the number of military observers has curtailed the Mission's reporting and investigation capabilities.

20. Pursuant to resolution 1029 (1995), which requires that UNAMIR be withdrawn within six weeks of the end of the mandate, a liquidation plan has been drawn up. It is expected that the last military elements will have withdrawn by mid-April and that staff officers will leave shortly thereafter. An adequate level of security troops will be maintained until mid-April, at which time all installations will be turned over to other United Nations agencies or to the Government of Rwanda.

V. HUMANITARIAN DEVELOPMENTS

21. The humanitarian situation in Rwanda continues to warrant a centralized coordination structure, given the challenge to be confronted with the return and absorption of refugees and internally displaced persons. The present authority

for the coordination of humanitarian assistance rests with the United Nations Humanitarian Coordinator/Resident Coordinator, who is supported by a small Department of Humanitarian Affairs office. Under his authority an overall contingency plan is being prepared, should mass repatriation of refugees from Zaire occur. However, funding for the Office of the Humanitarian Coordinator remains a problem and this may require adjustments to the coordination structure in the future.

22. UNHCR, Rwanda and the countries hosting some 1.7 million Rwandan refugees, namely, Zaire, Burundi and the United Republic of Tanzania, have made a concerted effort to accelerate the voluntary return of refugees. During the period under review, the number of refugees returning to Rwanda rose considerably. From an average of around 5,000 a month through much of 1995, January 1996 saw the number of returnees increase to more than 14,000. In the first three weeks of February alone, refugee returns topped 20,000.

23. The pace of return from the countries of asylum, however, has not been uniform. Following intensive discussions among Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its meeting in December 1995, which included a proposal for targeted voluntary repatriation leading to the closure of camps, an operation launched by Zaire began on 13 February. However, the number of refugees returning from Zaire remains very low.

24. On the other hand, refugee returns from Burundi have increased dramatically in February in the wake of fighting in the northern part of the country, which emptied two Rwandan refugee camps. Following the abandonment of the Ntamba camp in Burundi by some 14,000 refugees fearing the spread of ethnic fighting, on 27 January a delegation led by Rwanda's Minister for Rehabilitation and Social Integration visited Ntamba to urge refugees who had returned to the camp to go back to Rwanda. Members of the Burundi/Rwanda/UNHCR Tripartite Commission and a second delegation from Rwanda also made efforts to persuade those remaining to repatriate rather than follow the bulk of the camp's residents into the United Republic of Tanzania. As a result, more than 4,400 Rwandans decided to repatriate during the first two days of February and the camp was subsequently closed.

25. During the fourth meeting, held at Bujumbura on 29 and 30 January 1996, the Burundi/Rwanda/UNHCR Tripartite Commission decided to have the remaining camps in Burundi progressively closed, starting with those nearest the border with Rwanda. The Commission expressed the hope that all remaining Rwandan refugees in Burundi would have repatriated by July, and all the camps closed. Those refugees who decide not to return will be transferred farther away from the border areas inside Burundi.

26. The number of returnees from the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and

property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of Tanzania and 97,000 in Burundi - taken together, one of the world's largest refugee populations. UNHCR, responsible for their protection, assistance and repatriation, is facing a serious financial problem in the Great Lakes region. Among programmes likely to be affected by the Office's difficulties in generating the $288 million it needs in 1996 are rehabilitation and other projects associated with the repatriation and reintegration of refugees. The construction of 30,000 shelters, latrine buildings and a supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by non-governmental organization partners, may have to be curtailed or abandoned if the current trend continues.

28. In an attempt to launch a series of projects to repair damage to the environment and infrastructure in countries hosting Rwandan refugees, UNHCR and the United Nations Development Programme (UNDP) proposed a $70.5 million programme on 24 January. The projects, presented at a donors meeting at Geneva, are the result of one of the decisions taken during the Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations in activities incompatible with their mandate, which affected the security of the country, and unethical behaviour such as selling of relief goods. The Ministry said it fully appreciated the work of the remaining non-governmental organizations and assured them of the Government's commitment to continue its close collaboration with them.

30. The percentage of people receiving food aid through targeted distributions in Rwanda remained low during the reporting period. The emphasis of the World Food Programme (WFP) is now on food-for-work directed towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. The United Nations Children's Fund (UNICEF), through its trauma recovery programme, began recruiting 11 new trauma advisors to collaborate with 11 others already working in the prefectures. In 1996 training will focus on teachers and medical workers as they have the most direct contact with traumatized children.

VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached $404 million, representing nearly

70 per cent of pledges made by donors in January 1995. Donors' disbursements accelerated over the last quarter of 1995, which contributed to a stabilization of the exchange rate, a lower rate of inflation and a significant increase in foreign exchange reserves, bringing Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at Geneva. Three working groups have been established to focus on the Government's priority areas: justice and security, capacity-building and the transition from humanitarian assistance to development. Documents outlining their strategies on each of these topics are being prepared by various Ministries, with the support of UNDP, UNICEF and WFP.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at Kigali in November 1995. It further contemplates providing enhanced remuneration for over 1,000 judicial personnel in order for the Ministry of Justice to attract qualified staff. The project will also provide equipment for the public prosecutor's office and tribunals in the prefectures.

34. An extension to Cyangugu prison, a site experiencing acute overcrowding, will be financed through a project recently approved by the Government and UNDP. ICRC began installing water/sanitation and kitchen facilities in two warehouses in Byumba and Kibungo that will serve as temporary detention sites. UNDP is building security perimeters at these sites and construction work continued on three others in Kigali and Byumba. Despite these improvements, overcrowding in several prisons and most other places of detention remains a matter of serious concern.

35. Capacity-building activities have continued during the reporting period. Phase II of the Rwandan Communal Police Training Programme signed by the Ministry of the Interior and UNDP on 18 January 1996 will fund training for a third group of 750 cadets at the training facility in Gishari and provide for the construction of living quarters for police in 100 communes. In a joint programme with UNDP, WFP is providing food for communal police trainees and continues to assist the training centre for gendarmes in Ruhengeri.

36. In the health sector, various efforts were undertaken by WHO and UNICEF to provide equipment and supplies to hospitals and to rehabilitate health centres. Work on two hospitals in Gikongoro and Cyangugu and three health centres in Butare is expected to begin in early March. These efforts concentrated on training and education with regard to preventive measures on disease and nutrition. To improve the quality of teaching in primary schools, UNICEF has been financing the in-service training of 5,600 underqualified teachers. The programme, which also includes instruction in landmine and cholera awareness, is now in its final stages. UNICEF also continues to provide technical assistance and logistical support to the Government of Rwanda in its efforts to assist children in especially difficult circumstances. The Ministry of Justice, in collaboration with UNICEF, has decided to expand the "Children in conflict with the law" project to include legal defence for children claiming property left by their deceased parents. UNICEF and the United Nations Educational, Scientific

and Cultural Organization (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

37. As reported in December (see S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the Food and Agriculture Organization of the United Nations (FAO)/WFP crop survey for the 1996-A season and the food needs assessment report published in January, the area under cultivation in Rwanda increased by 14 per cent over the 1995-A season. The report estimates the aggregate food production for the 1996-A season as 24 per cent higher than the 1995-A season. The largest problem facing farmers remains the low availability of agricultural inputs.

VII. FINANCIAL ASPECTS

38. In its resolution 50/211 of 23 December 1995, the General Assembly appropriated an amount of $32,324,500 gross for the financing of the Assistance Mission for the period from 1 January to 8 March 1996.

39. Pursuant to the Security Council's request to initiate planning for the withdrawal of UNAMIR within a period of six weeks after the expiry of its mandate, I intend to seek the resources required for the withdrawal from the General Assembly at its forthcoming resumed fiftieth session. In addition, should the Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 15 February 1996, the total outstanding contributions to the UNAMIR special account from the inception of the Mission to 8 March 1996 amounted to $84.5 million and the total outstanding contributions for all peace-keeping operations stood at $1,891.6 million.

VIII. CONCLUSIONS AND OBSERVATIONS

41. When Rwanda emerged from civil war and genocide with the establishment of the Government of National Unity on 19 July 1994, conditions in the country were nothing short of disastrous. There was no administration, no functioning economy, no judicial or education system, no water or electricity supply and no transport; the population, moreover, was still in a state of profound shock.

42. Today, conditions in Rwanda are returning to normal, though a significant portion of the population are still refugees or displaced persons. This progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations have worked with the Government to restore basic infrastructures and to rehabilitate vital sectors of the economy. UNAMIR engineers have participated in the construction of transit camps for returning refugees. Its Civilian Police Unit has assisted in the establishment and training of a new gendarmerie and communal police. Its specialized units have

helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved to reopen schools and contributed to the rehabilitation of health care and sanitation facilities. It has also provided humanitarian assistance and helped to ease the appalling prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

43. In my report of 30 January 1996 (S/1996/61) I repeated the view that the United Nations would still have a useful role to play in Rwanda after the expiry of the mandate of UNAMIR on 8 March 1996. On 31 January, my Special Representative briefed the Security Council in informal consultations about various options for a post-UNAMIR presence which he would be discussing with the Rwandan authorities. He mentioned three such options:

(a) The retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure;

(b) The retention of a political office on the above lines, plus a military component consisting of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units;

(c) The establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

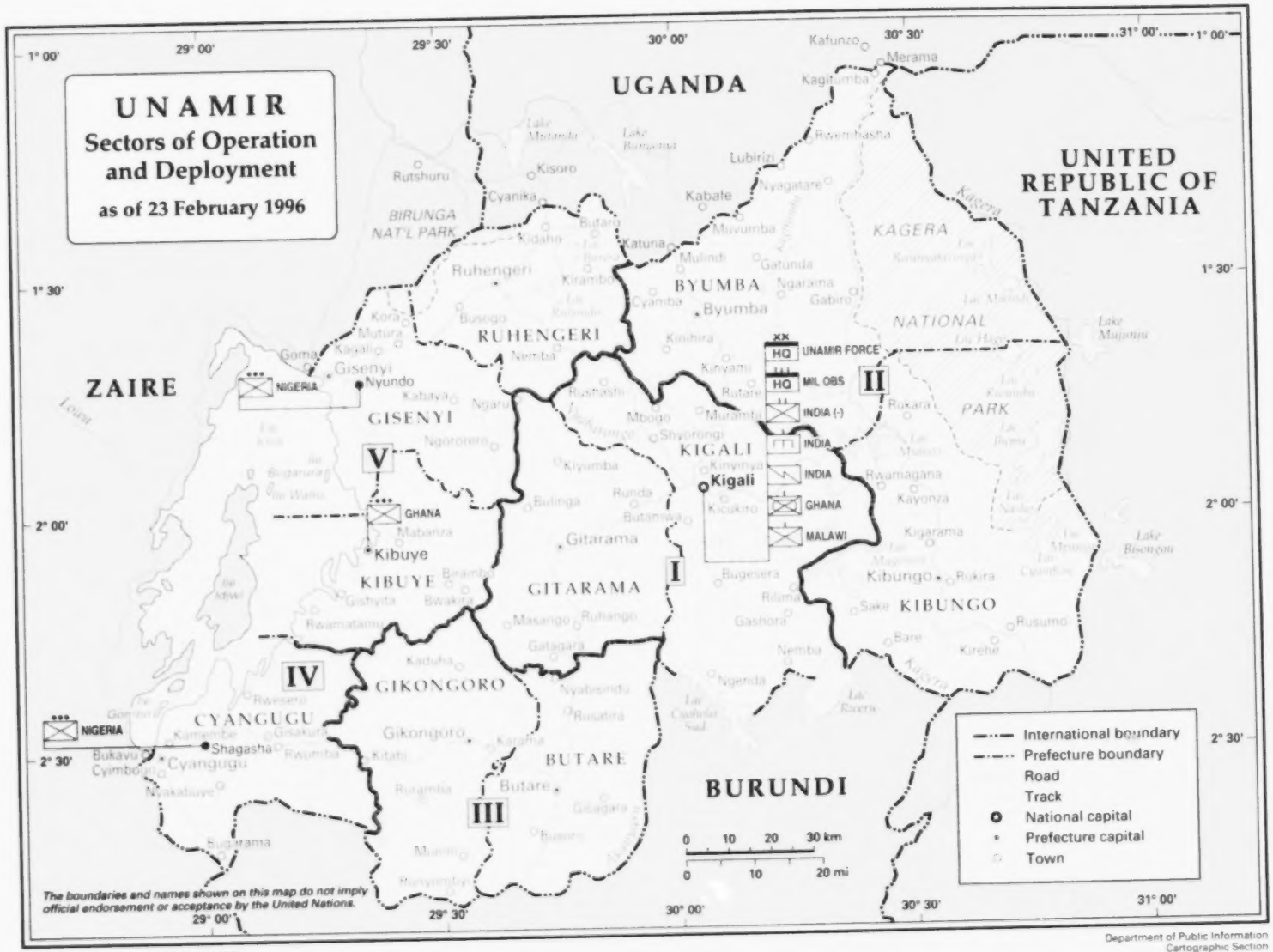
44. In her letter to me of 13 February 1996 (S/1996/103), the President of the Security Council said that the members of the Council concurred with my observation that the United Nations still had a useful role to play in Rwanda and encouraged me to undertake consultations on the appropriate nature of that role after 8 March 1996. My Special Representative has since explored the above options with the Rwandan authorities. However, the latter have not requested that any of the options should be recommended to the Security Council and have continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiry of UNAMIR's current mandate.

45. Despite the significant progress towards normalcy in Rwanda reported above, the relative peace now prevailing in that country will be under constant threat as long as more than 1.5 million refugees are camped along its borders. The presence among these refugees of numerous elements of the former Rwandan army together with organized militias adds to this threat. While intimidation by these armed elements plays an important role in discouraging repatriation, the reluctance of the refugees to return to their homes is motivated to a high degree by concern about security conditions inside Rwanda. It is my belief that in these circumstances the deployment of United Nations military personnel, particularly in those areas to which large numbers of refugees are expected to return, could speed up the process of return both by building confidence and by providing much-needed logistic support. I am convinced, therefore, that Rwanda

could benefit greatly from a further phase of United Nations support to help consolidate peace and security.

46. However, any of the three options presented in paragraph 43 above would require the consent of the Rwandan Government and that consent has not been forthcoming. I regret, therefore, that there appears to be no alternative, in the present circumstances, to the complete withdrawal of all the civilian and military components of UNAMIR after 8 March, on the basis of the plans already prepared in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding UNAMIR's withdrawal, the programmes, funds, offices and agencies of the United Nations system, as well as the human rights officers and the International Tribunal, will remain in Rwanda to carry out their various mandates, with coordination being assured through the standard United Nations arrangements.

47. In concluding this final report, I wish to record my warm appreciation to my Special Representative, Mr. Shaharyar Khan, to the last UNAMIR Force Commander, Major-General G. Tousignant, and to the current Acting Force Commander Brigadier-General Shiva Kumar, all of whom have demonstrated the highest qualities of leadership. I am also deeply grateful to all the men and women, civilian and military, including staff of United Nations agencies and programmes and non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.


UNAMIR
Sectors of Operation and Deployment
as of 23 February 1996
UGANDA
UNITED REPUBLIC OF TANZANIA
ZAIRE
BURUNDI
RUHENGERI
GISENYI
KIBUYE
GITARAMA
KIGALI
BYUMBA
KAGERA
GIKONGORO
CYANGUGU
BUTARE
KIBUNGO
Kigali
Nyundo
Kibuye
Gitarama
Shagasha
Cyangugu
Butare
Gikongoro
Byumba
Ruhengeri
Gisenyi
Kibungo
Kafunzo
Merama
Kisoro
Rutshuru
Cyanika
Kabale
Lubirizi
Nyagatare
Kabarore
Katuna
Mulindi
Gatuntu
Ngarama
Gabiro
Mutumba
Kinihira
Kinyami
Rutare
Rushashi
Mbogo
Murambi
Shyorongi
Rukara
Rwamagana
Kayonza
Kigarama
Rukira
Sake
Rusumo
Kirehe
Bare
Nemba
Ngenda
Gashora
Bugesera
Rilima
Mabanza
Gishyita
Bwakira
Rwamatamu
Masango
Ruhango
Gatagara
Nyabisindu
Rusatira
Kaduha
Gikongoro
Kamembe
Gisakura
Rwesero
Bukavu
Cyimbo
Nyakabuye
Kitabi
Rwumba
Karama
Ruramira
Butare
Gisagara
Muganza
Nyamagabe
Mushubi
Kibirizi
Kigoma
Kaduha
Kamonyi
Ruhuha
Kabgayi
Ngoma
Kayenzi
Kabuga
Mutura
Kora
Busogo
Kidaho
Kiramba
Cyamba
Kiruhura
Kinyami
Rutare
Rushashi
Mbogo
Murambi
Shyorongi
Kiyumba
Runda
Bulinga
Butamwa
Kicukiro
Kimironko
Kimihurura
Kanombe
Gisenyi
Goma
Kagalo
Kabaya
Ngororero
Nkuli
Mabanza
Gishyita
Bwakira
Rwamatamu

UNITED
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Security Council

Distr.
GENERAL

S/1996/150
29 February 1996

ORIGINAL: ENGLISH

IDENTICAL LETTERS DATED 29 FEBRUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE PRESIDENT OF THE REPUBLIC OF CAMEROON AND TO THE HEAD OF STATE AND COMMANDER-IN-CHIEF OF THE ARMED FORCES OF THE FEDERAL REPUBLIC OF NIGERIA

The members of the Security Council have asked me to write to you and to the President of Cameroon to express their concern about recent developments in the dispute between Cameroon and Nigeria regarding the Bakassi peninsula, taking note of the letter from the Foreign Minister of the Republic of Cameroon of 22 February 1996 (S/1996/125) and the letter from the Foreign Minister of Nigeria of 26 February 1996 (S/1996/140).

The members of the Council deplore the resumption since 3 February 1996 of fighting between Nigeria and Cameroon in this area. This conflict threatens regional peace and stability. The members of the Council regret the loss of life and destruction suffered by civilians living in the Bakassi peninsula. The members of the Council remind your Government and the Government of Cameroon of the requirement of the Charter of the United Nations that all States shall settle their disputes by peaceful means.

The members of the Council have noted that this dispute has already been referred to the International Court of Justice and the case is pending before the Court. The resumption of fighting, therefore, also threatens respect for peaceful dispute settlement mechanisms. Neither side should take any unilateral action, particularly the use of force, to complicate the dispute settlement process. The members of the Council urge you to redouble your efforts to reach a peaceful settlement through the International Court of Justice. The Council members also welcome bilateral and regional efforts undertaken to assist such a peaceful resolution of the dispute.

The members of the Security Council call upon the parties to respect the cease-fire they agreed to on 17 February in Kara, Togo, and to refrain from further violence. They further call upon the parties to take necessary steps to return their forces to the positions they occupied before the dispute was referred to the International Court.

The members of the Security Council welcome the Secretary-General's proposal to the parties that he should send a fact-finding mission to the Bakassi peninsula and urge your Government to cooperate fully with this mission. They have requested the Secretary-General, in consultation with the Secretary-General of the Organization of African Unity, to continue to monitor this matter closely and to report to the Council on the results of the fact-finding mission and any other significant developments.

(Signed) Madeleine Korbel ALBRIGHT
President of the Security Council

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Security Council

Distr.
GENERAL

S/1996/151
1 March 1996

ORIGINAL: ENGLISH

IDENTICAL LETTERS DATED 1 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF AFGHANISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to transmit the text of a letter dated 1 March 1996 from His Excellency Mr. Abdul Rahim Ghafoorzai, Vice-Minister for Foreign Affairs of the Islamic State of Afghanistan, addressed to you concerning the recent developments in Afghanistan.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Dr. A. G. Ravan FARHADI
Ambassador
Permanent Representative

96-05047 (E) 010396 020396

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Annex

Identical letters dated 1 March 1996 from the Vice-Minister for Foreign Affairs of Afghanistan addressed to the Secretary-General and the President of the Security Council

I should like to draw your attention to the present alarming situation, brought about by the foreign interventions in war-stricken Afghanistan, which if not halted could have pernicious consequences for peace and stability in the region and cause further human tragedies afflicting the innocent civilian inhabitants of the capital city, Kabul.

The Islamic State of Afghanistan in recent months has consecutively brought to the attention of the Security Council the root causes of the continuous war in the country. The intervention of Pakistan in the internal affairs of Afghanistan has been and still is one of the main causes of the armed conflicts. The true nature of the so-called Taliban has been revealed on different occasions to the Security Council by the Islamic State of Afghanistan. This notorious group has been mobilized, trained, armed and equipped by Pakistan. In my statement before the General Assembly on the occasion of the debate on agenda items 20 (b) and 54, on 19 December 1995, 1/ I amply elaborated the extent of the intervention by the Pakistani Government and its military intelligence services in Afghanistan.

As part of its peaceful endeavours and as a sign of sincere respect for the expectations of the international community to resolve the conflict in Afghanistan through intra-Afghan dialogue, the Islamic State of Afghanistan has taken initiatives to pave the way for national rapprochement, as required by the General Assembly in its resolutions 50/88 A and B of 19 December 1995. The President of the Islamic State of Afghanistan, Professor Burhanuddin Rabbani, has declared his readiness to transfer power to a credible mechanism acceptable to all concerned Afghan parties. Recently President Rabbani declared his readiness to pay a personal visit to the headquarters of the opposition, to achieve peace and stability in the country.

As a result of these efforts, a remarkable outcome, involving at least three opposition parties, has been achieved. The preliminary accords address the questions of a cease-fire, the exchange of prisoners-of-war, the opening of the roadways and the continuation of the dialogue.

With a view to undermining the intra-Afghan dialogue, the interventionist Pakistani circles have once again attempted to sabotage the peace process. In February 1996, Islamabad hosted a gathering of some Afghan opposition groups. Reliable reports indicate that, while providing considerable amounts of financial and military assistance and support, the Pakistanis have enabled some groups to undertake major planned ground and air attacks against the capital in the near future.

Mindful of the fact that the Security Council has a primary responsibility to prevent such a situation, and based upon the aforementioned facts, I look to you to urgently bring these developments to the earnest attention of the members

of the Security Council. Our hope is to avoid a further escalation of war in our country. We expect the Security Council to call upon Pakistan to refrain from pursuing this heinous plot and make sincere efforts for peace and stability in Afghanistan.

The Islamic State of Afghanistan is strongly committed to defending its national sovereignty, unity, territorial integrity as well as the security and safety of the innocent people of Kabul, which is under imminent threat of a Pakistan-instigated and organized onslaught.

The armed forces of the Islamic State of Afghanistan would once again prove their capability in defense of a united, free and independent Afghanistan.

(Signed) Abdul Rahim GHAFOORZAI
Vice-Minister for Foreign Affairs

Notes

1/ See A/50/PV.95.

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Security Council

Distr.
GENERAL

S/1996/152
1 March 1996
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 1 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

As you have doubtless learned from the press and even from statements made by members of the Security Council, the organizers of the act of provocation carried out against my country on 24 February 1996, which resulted in the shooting down of two pirate aircraft inside Cuban airspace, are organizing another, identical act of provocation against Cuba next Saturday, 2 March.

Cuba wonders whether the Government of the United States, the country where these pirate aircraft and other vessels are registered and in whose territory these acts of provocation and terrorism originate, will take the necessary and adequate steps, consistent with its international obligations, to prevent a further violation of Cuba's sovereignty.

We hope that the Security Council will remain abreast of this situation and will not tolerate the breaches of international law and of the national security of the Republic of Cuba that the perpetration of such a further act of provocation would necessarily entail.

Furthermore, I reiterate Cuba's determination not to tolerate violations of its national sovereignty and to protect its borders and defend its independence at all costs.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(Signed) Bruno RODRIGUEZ PARRILLA
Ambassador
Permanent Representative

96-05095 (E) 010396 010396 020396

UNITED
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Security Council

Distr.
GENERAL

S/1996/153
1 March 1996
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 28 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

From various newspapers in the United States, we have learned that the organizers of the act of provocation carried out against my country last Saturday, 24 February, which resulted in the shooting down of two pirate aircraft inside Cuban airspace, are organizing another, identical act of provocation against Cuba for next Saturday, 2 March.

Cuba expects the Government of the United States, the country where these pilot aircraft and vessels are registered and in whose territory acts of provocation and terrorism originate, to take the necessary and inadequate measures to prevent a further violation of Cuba's sovereignty.

I wish to reiterate that Cuba will not tolerate violations of international sovereignty, will protect its borders and will defend its national independence at all costs.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(Signed) Bruno RODRÍGUEZ PARRILLA
Permanent Representative of Cuba
to the United Nations

96-05113 (E) 010396 010396 020396

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Security Council

Distr.
GENERAL

S/1996/154
2 March 1996
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 1 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to request that you have the attached annex circulated as a document of the Security Council.

(Signed) Bruno RODRÍGUEZ PARRILLA
Ambassador
Permanent Representative

96-05141 (E) 030396 030396

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ANNEX

When it comes to international legal instruments ...

The United States, in order to make the United Nations Security Council and the international community aware of the need to condemn Cuba for the incident that occurred on 24 February 1996, has proclaimed itself de facto depository and guarantor of two international legal instruments, the 1944 Chicago Convention on International Civil Aviation and its 1984 Protocol.

What is the intention of such juridical selectivity? It is to validate legally the gross manipulation of the principle of Sovereignty of States and to justify with a juridical subterfuge the claim that Cuba used excessive force against civil aircraft.

Cuba has not violated the existing international ethical norms on the use of weapons against civil aircraft, nor has it violated any international legal norm or precept related to the safeguarding of international civil aviation, or the Chicago Convention, much less article 3 bis of the 1984 Montreal Protocol, for very concrete and evident reasons:

- There is no existing treaty which categorically prohibits the use of weapons against intruding civil aircraft;

- The Chicago Convention on International Civil Aviation does not contain any prohibition whatsoever on this matter. Therefore, some States have suggested negotiating an amendment to the Convention through the 1984 Protocol (article 3 bis).

However, neither the above-mentioned Protocol nor, consequently, the amendment is in effect yet. Operative paragraph (b) of the Protocol states that for the said instrument to come into effect it must be ratified by 102 States. So far, 11 years after being opened for ratification, it has been ratified by only 83 States.

Even if article 3 bis were in effect, however, it would not prohibit the actions taken by the Cuban Government for two simple reasons. The first is of an elementary technical and formal nature, and the second is undeniably valid from a normative and legal standpoint:

1. Cuba has not ratified the 1984 Protocol. Consequently, this legal instrument is not part of its internal legislative system and does not constitute an international legal obligation for Cuba.

What is even more remarkable, however, in this campaign of political manipulation against Cuban sovereignty is the fact that the United States itself has not ratified the often cited 1984 Protocol with its article 3 bis. The President of the United States has not even signed the instrument, nor has he submitted it to the United States Senate for ratification.

How, then, can the United States demand that other States comply with sources of international law which are not in effect yet and which, in addition, the United States has not ratified?

2. The United States has invoked article 3 bis of the 1944 Chicago Convention on International Civil Aviation as if it were existing international law. But actually it is not.

Beginning in 1973, the Council of the International Civil Aviation Organization (ICAO), acting pursuant to chapter IV of the Chicago Convention, promulgated "special recommendations" and then "standards and recommended practices" on the question of interceptions. However, as chapter IV itself makes clear, these provisions do not have the force of law and are not binding in any sense; they are only recommendations.

International law does not provide the basis for categorically prohibiting the use of weapons against "civil aircraft".

Cuba has not violated international law. As a matter of fact, international law reaffirms Cuba's right to act as it did.

As the distinguished United States professor of international law Oliver J. Lissitzyn concluded in his often cited article, "The treatment of aerial intruders in recent practice and international law":

> "In times of peace, intruding aircraft whose intentions are known to the territorial sovereign to be harmless must not be attacked even if they disobey orders to land, to turn back or to fly even on a certain course ... In cases where there is reason to believe that the intruder's intentions may be hostile or illicit, a warning or order to land should normally be first given and the intruder may be attacked if it disobeys (emphasis added)".

Professor Lissitzyn explains that "illicit" intentions include "aid to subversive activities, smuggling, or calculated defiance of the territorial sovereign".

The Government of Cuba has sound and undeniable proof, from the legal and political points of view, that the acts of violation and aggression against Cuban airspace perpetrated for more than 35 years, and most recently by aircraft of "Brothers to the Rescue", have had a subversive, hostile, aggressive and terrorist character.

Cuba considers that the actions of "Brothers to the Rescue" are linked to the concept of "calculated defiance of the territorial sovereign" cited above.

It is precisely this linkage that demonstrates the political manipulation by the United States of the characterization of "Brothers to the Rescue" aircraft as allegedly "civil aircraft".

It is precisely this linkage which holds up to ridicule and destroys, technically and politically, the United States argument as to the "abusive" nature of the use of force by Cuba against the said aircraft.

First and foremost, the aviation of "Brothers to the Rescue" cannot be considered "civil aviation", not even under the 1944 Chicago Convention or the 1984 Protocol, or under international law.

The international legal instruments in question are exclusively applied to "civil aviation". They corroborate, in letter and spirit, the view shared by distinguished analysts of international law, including the renowned professor Michael Milde, Director of the Institute and Center of Air and Space Law of McGill University in Montreal, Canada, and the former Director of the Legal Bureau of the International Civil Aviation Organization, to the effect that, in order to determine the "nature" of an aircraft, we should base ourselves on a functional criterion rather than a formal characterization.

Consequently, it is not the technical design of the aircraft, its registration marks or its ownership or crew that determines the aircraft's nature, but the function for which it is used.

Hence the particular relevance of the element of intention and possible vice by origin and consent, which could condition or encourage the issuance or authorization of licences and flying permits by the corresponding aviation authorities of a State to alleged "civil aircraft" based and registered in its territory and under its flag.

The Government of the United States has abundant and undeniable proof, offered by the Government of Cuba itself for more than 37 years, of repeated acts of aggression, particularly its recent complaints to the United States authorities following the events of 24 February concerning the subversive, aggressive and terrorist character of the flights of the "Brothers to the Rescue" aircraft.

The Government of the United States and its aviation authorities should have seen to it that the possible and repeated commission of the new acts of aggression and air piracy against Cuba, this time by the aircraft of the terrorist organization in question, was discouraged and prevented.

Under law, vice by origin is not presumed but demonstrated. The Government of Cuba has undeniable proof with which it can demonstrate the vice by origin and consent that have been implicit for years and were also present in the case of the irresponsible authorization of the "Brothers to the Rescue" flights.

The most updated theory of international aviation law states than an aircraft designed for "civilian" air transport belonging to a private airline and operated by a civilian crew may in a particular situation be considered to be "State aircraft" if it performs a military, customs or police function ... Other aircraft, besides those involved in military, customs or police services, could also be considered "State aircraft" because the enumeration in the Convention is not preclusive.

"Brothers to the Rescue" have asserted that they were scanning the waters of the Florida straits hoping to rescue persons in distress - in particular, Cubans fleeing Cuba by boat or other means - and to alert the United States Coast Guard to the need for rescue operations. This is a traditional function of Governments, and, indeed, the United States Coast Guard itself carried out precisely the same identification and reporting missions on a systematic basis until recently.

Why did the Government of the United States permit "Brothers to the Rescue" to engage in such governmental functions?

Even if "Brothers to the Rescue" aircraft had been "civil aircraft", Cuba would not have violated international law in its actions against them.

Under established standards, the "Brothers to the Rescue" aircraft, when they violated Cuban airspace, did not enjoy the protection the Chicago Convention provides to "civil aircraft".

The United States will at least have to share responsibility for the use and "alleged excessive use" of weapons against "Brothers to the Rescue", inasmuch as the United States has permitted the said organization to engage in acts of piracy and aggression against Cuba's airspace. That is not only a violation of the letter and spirit of the relevant international instruments but also a blatant and evident violation of one of the basic principles of international law, of international relations and of peaceful coexistence among States, namely, the principle of Sovereignty.

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GENERAL

S/1996/155
4 March 1996

ORIGINAL: ENGLISH

LETTER DATED 1 MARCH 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that Mr. Lakhdar Brahimi, my Special Representative for Haiti and Chief of the United Nations Mission in Haiti (UNMIH), will relinquish his post on 5 March 1996. To succeed him, it is my intention to appoint Mr. Enrique ter Horst, who served as my former Special Representative in El Salvador. Mr. ter Horst is currently an Ambassador in the foreign service of Venezuela. His appointment will become effective upon Mr. Brahimi's departure.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Distr.
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S/1996/156
4 March 1996

ORIGINAL: ENGLISH

LETTER DATED 4 MARCH 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 1 March 1996 (S/1996/155) concerning your intention to appoint Mr. Enrique ter Horst to succeed Mr. Lakhdar Brahimi as your Special Representative for Haiti and Chief of the United Nations Mission in Haiti (UNMIH) has been brought to the attention of the members of the Council. They agree with the proposal contained in your letter.

(Signed) Legwaila Joseph LEGWAILA
President of the Security Council

96-05289 (E) 040396 050396

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S/1996/157
4 March 1996

ORIGINAL: ENGLISH

LETTER DATED 1 MARCH 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolution 1048 (1996) of 29 February 1996, by which the Council decided to extend the mandate of the United Nations Mission in Haiti (UNMIH).

As you are aware, Major-General Joseph Kinzer of the United States of America has been serving since 31 March 1995 as Commander of the military component of UNMIH. During that period, he has performed his duties with professionalism and dedication. However, Major-General Kinzer will be completing his tour of duty with the Mission as of 1 March 1996 to return to his national service.

Following the usual consultations, it is my intention to appoint Brigadier-General J. R. P. Daigle of Canada to replace Major-General Kinzer.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-05295 (E) 040396 050396

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GENERAL

S/1996/158
4 March 1996

ORIGINAL: ENGLISH

LETTER DATED 4 MARCH 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 1 March 1996 (S/1996/157) concerning your intention to appoint Brigadier-General J. R. P. Daigle of Canada to succeed Major-General Joseph Kinzer of the United States of America as Commander of the military component of the United Nations Mission in Haiti (UNMIH) has been brought to the attention of the members of the Council. They agree with the proposal contained in your letter.

(Signed) Legwaila Joseph LEGWAILA
President of the Security Council

96-05307 (E) 040396 050396